

This facsimile message and its contents are legally privileged and confidential information intended solely for the use of the addressee. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, copying or other use of this message and its contents is strictly prohibited. If you have received this telecopy in error, please notify us immediately by telephone and return the original message to us at the address shown below via the Postal Service. Thank You.

ALSTON & BIRD LLP

3201 Beechleaf Court, Suite 600
Raleigh, NC 27604-1062

919-862-2200
Fax: 919-862-2260

TELECOPY

PLEASE DELIVER AS SOON AS POSSIBLE

DATE: September 6, 2002

TO: Examiner Regina M. Deberry - USPTO

FROM: Leslie Henry

In re: Whitehouse

Appl No.: 09/771,302

Group Art Unit: 1647

Filed: January 26, 2001

Examiner: Deberry, Regina M.

For: ANGIOGENICALLY EFFECTIVE UNIT DOSE
OF FGF-2 AND METHOD OF USE

Please see the attached Preliminary Amendment in reference to the above-identified Application Number.

NO. OF PAGES:
(Including cover page)

6

OPERATOR: 06/174/02/2

IF NOT RECEIVED PROPERLY, PLEASE NOTIFY ME IMMEDIATELY AT

USER CODE: HENRL

FAX NUMBER: 1-703-308-0294

CLIENT/MATTER: 035784/208771

REQUESTED BY: Christopher M. Humphrey, Ext.
2213

VOICE NUMBER: 1-703-305-6915

Attorney's Docket No. 1543 201(35784/208771)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Whitehouse
Appl No.: 09/771,302
Filed: January 26, 2001
For: ANGIOGENICALLY EFFECTIVE UNIT DOSE
OF FGF-2 AND METHOD OF USE

Group Art Unit: 1647
Examiner: Deberry, Regina M.

13/a
M.G.J
9/9/02

September 6, 2002

Box Non-Fee Amendment
Commissioner for Patents
Washington, DC 20231

PRELIMINARY AMENDMENT

Responsive to the September 5, 2002 telephone interview with the Examiner, Applicant submits herewith amendments to the claims for the above-identified application. The Examiner is respectfully requested to enter the following amendments into the claims prior to the substantive examination of this application.

In the Claims:

Please cancel claims 1-34 without prejudice to or disclaimer of the subject matter contained therein.

Please enter the following new claims:

a! 35. (New) A method for treating a human patient for congestive heart failure, comprising administering a therapeutically effective amount of a recombinant FGF-2 or an angiogenically active fragment or an angiogenically active mutein thereof into one or more coronary vessels or into a peripheral vein in a human patient in need of treatment for said congestive heart failure, said therapeutically effective amount being about 0.2 $\mu\text{g/kg}$ to 48 $\mu\text{g/kg}$ of patient weight.